

(±) 2-Ethoxy-3-[4-[2-[2-ethyl-6-oxo-4-phenyl-1,6-dihydropyrimidin-1-yl]ethoxy]phenyl]propanoic acid aminoguanidine salt;

(+) 2-Ethoxy-3-[4-[2-[2-ethyl-6-oxo-4-phenyl-1,6-dihydropyrimidin-1-yl]ethoxy]phenyl]propanoic acid aminoguanidine salt;

(-) 2-Ethoxy-3-[4-[2-[2-ethyl-6-oxo-4-phenyl-1,6-dihydropyrimidin-1-yl]ethoxy]phenyl]propanoic acid aminoguanidine salt;

### REMARKS

Claims 1, 2, and 11-63 are pending in the application. The Examiner has maintained the enablement and prior art rejections of record. Claims 2, 11-12, 15-16, 19-23, 25-27, 29, 31-33, 35, 37-39, 41, 43-47, 49-51, 53-55, 57-59, and 61-63, have been deleted. In order to more clearly point out the present invention Claims 1, 13, 14, 28, 30, 34, 48 and 52 have been amended, new claims 66-69 have been added. Support for the amendment to claim 1 may be found in original claim 2. Support for new claims 66-69 may be found in original claim 11. No new matter has been added. Claims, 1, 13-14, 17-18, 24, 28, 30, 34, 36, 40, 42, 48, 52, 56, 60 and 66-69 remain in the application.

The Examiner has maintained his objection to claims 20-23 under 37 CFR 1.75 as being a substantial duplicate of claims 12-15. Applicants would like to point out the claims 20-23 were canceled in response to the Official Action, mailed on July 29, 2004, a response to which was filed on January 31, 2005. Applicants therefore request that this objection be withdrawn.

The Examiner has maintained his rejection of claims 1, 2 and 12-63 under 35 USC 112, because the specification is not enabling for making solvates and polymorphs of the claimed compounds. Claims 2, 12, 15-16, 19-23, 25-27, 29, 31-33, 35, 37-39, 41, 43-47, 49-51, 53-55, 57-59, and 61-63, have been deleted. The terms solvates and polymorphs have been deleted from the remaining claims. However, Applicants reverse their rights to file additional application covering such compounds.

The Examiner has further maintained his rejection of claims 24-63 under 36 USC 112 because the specification is only enabling for treating type II diabetes, insulin resistance, and hypercholesteremia. Claims 25-27, 29, 31-33, 35, 37-39, 41, 43-47, 49-51, 53-55, 57-59, and 61-63. Claims 28, 30, 34 and 52, have been amended to delete: renal diseases selected from glomerulonephritis, glomerulosclerosis, nephrotic syndrome, hypertensive nephrosclerosis, or nephropathy, disorders related to endothelial cell activation, polycystic ovarian syndrome (PCOS), dementia, myotonic dystrophy, xanthoma, eating disorders and osteoporosis. Applicants assert that the paragraphs [0006] to [0013] of the specification provide materials and data that impart enabling support for the remaining diseases. Applicants would further wish to draw the Examiner's attention to the references submitted with the previous response filed on March 1, 2004.

The Examiner has maintained his rejection of claims 1, 2, 11-17 and 20-63 under 35 USC 102(e) as being anticipated by Das ('816) and also anticipated by Gurram ('067). Claims 2, 11, 12, 15-16, 20-23, 25-27, 29, 31-33, 35, 37-39, 41, 43-47, 49-51, 53-55, 57-59, and 61-63, have been deleted. Claim 1 has been amended to delete the terms which the examiner found to be anticipatory. The remaining claims depend from claim 1 and are patentable at least for the same reasons as claim 1. Applicants, therefore, submit that the claims are in condition for allowance and request that this rejection be withdrawn.

The Examiner has maintained his rejection of claims 1, 2, 12-17 and 20-63 under 35 USC 103(a) as being unpatentable over Lohray (WO 99/8501 A2). The Examiner states that the difference between the claimed and taught compounds is the length of the linking carbon chain. Applicants respectfully traverse this rejection. Both the cited references and the present invention have been assigned to Dr. Reddy's Research Foundation. Assignment for the present invention was recorded on September 7, 2005, reel/frame no. 016502/0214. Under 103 (c), subject matter developed by another person, which qualifies as prior art under one or more subsections (e), (f), and (g) of section 102 of title 35, shall not preclude patentability under section 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same

person or subject to an obligation of assignment to the same person. Thus, Applicants request this rejection be withdrawn.

Accordingly, Applicants submit that the present invention is in condition for allowance and favorable reconsideration is respectfully requested.

Respectfully submitted,

Dated: October 6, 2005

Milagros A. Cepeda  
Attorney for Applicants  
Reg. No. 33,365

Dr. Reddy's Laboratories, Inc.  
200 Somerset Corporate Blvd.  
Seventh Floor  
Bridgewater, NJ 08807-2862  
Telephone No.: (908) 203-6505  
Facsimile No.: (908) 203-6515